REMARKS

This is in response to the final Office Action mailed October 22, 2003. Applicant respectfully traverses and request reconsideration.

Applicant's Attorney extends gratitude to Examiner Dr. Harper for niceties extended during a December 17, 2003 telephone conference. During this conference, the newly proposed claims were discussed in view of the prior art of record.

Added Claims 27-42

Applicant respectfully submits, for the Examiner's consideration, newly submitted claims 27-42. It is submitted these claims do not add any new subject matter beyond the subject matter originally disclosed in the application as filed. For example, newly submitted claim 27 presents previously presented claim 1 and amended claim 23 with further delineation regarding the limitations of the multi-level distributed speech recognition being between a terminal device and a network device, wherein the terminal device and the network device are wirelessly connected. For example, claim 27 recites, *inter alia*, "wirelessly providing the audio command to at least one second speech recognition engine in a network device;" "wirelessly transmitting the at least one first recognized audio command to a comparator;". It is submitted this limitation of the wireless terminal device is supported, as originally stated on page 1 of the present application. The first sentence of the background of the invention defines terminal devices to be mobile phones. Therefore, inherently a mobile phone includes a wireless communication between the phone and a network element. Furthermore, within the background section and throughout the body of the application, the network element is clearly described as being a wireless communications network in wireless communication between a terminal device, such as a mobile phone. For example, see the discussion regarding prior techniques disclosed in U.S. Patent No. 6,185,535 which Applicant admits as prior art in the present case. As noted, the '535 patent only uses the network speech recognition engine when the device speech recognition engine cannot recognize an audio input. For further support, the Examiner is directed FIG. 4 which illustrates the terminal 202 and the network element 204 being in wireless communication thereacross, including session controls for the terminal 214 and session control for the network

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element 222 for facilitating wireless communication, in accordance with wireless communication protocols.

Therefore, it is respectfully submitted that the added claims do not present any new patentable subject matter. As such, Applicant requests the Examiner's entrance of the present amendment.

Improper Final Rejection

Applicant respectfully submits that the present Office Action has improperly been made a final rejection. In support of the present rejection, the Examiner has presented for the first time, U.S. Patent No. 5,101,375 ("Goldhor"). In the present Office Action, the Examiner has not indicated that the finality of the present Office Action has been facilitated by Applicant's amendments in their response filed August 28, 2003. Therefore, the Examiner has improperly asserted the teachings of Goldhor in view of previously pending claims without providing a proper non-final rejection. As such, Applicant respectfully requests withdrawal of the finality of the present Office Action and that in the alternative, a non-final Office Action issue such that Applicant may have an opportunity to address the newly added matter in a non-after final response.

Rejections under 35 U.S.C. §103

Applicant respectfully submits that the present rejection is moot in view of the cancellation of the previously pending claims. Therefore, withdrawal is respectfully requested.

Patentability of added claims

In view of the prior art of record, Applicant respectfully submits that added claims 27-42 contain patentable subject matter in view of the prior art of record. None of the prior art references of record disclose, teach or suggest distributed speech recognition across the wireless network where first recognition is done on a terminal device and second recognition is done on a network device after the audio sample has been wirelessly transmitted to the terminal device and wirelessly transmitting the results to the first speech recognition engine to the wireless device for comparisons by the network device.

Accordingly, Applicant respectfully submits that the claims are in condition for allowance and that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

Date: December 22, 2003

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